

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

SCOTT GANGLOFF
634 Fountain Street
Philadelphia, PA 19128,

Plaintiff,

v.

SEARS ROEBUCK & CO. and
VAUGHAN & BUSHNELL
MANUFACTURING CO.

Defendants.

CIVIL ACTION NO: 02-CV-4615

Hon. Eduardo C. Robreno

DEFENDANTS' PROPOSED VERDICT SLIP

AND NOW, come the defendants, Sears, Roebuck and Co. and Vaughan & Bushnell Manufacturing Co., by and through their undersigned counsel, and file the within Defendants' Proposed Verdict Slip:

I. STRICT PRODUCTS LIABILITY:

Question 1: Do you find that a defect existed in the hammer at the time it left the Defendants' possession?

Yes _____ No _____

If yes, proceed to question number 2. If no, you must find for the Defendants.

You should not answer any further questions in this section, and proceed to the next section concerning negligence.

Question 2: Do you find that this defect was a substantial factor in causing injury to the Plaintiff?

Yes _____ No _____

If your answer to this question is yes, proceed to question number 3. If your answer to this question is no, you must find for the Defendants. You should not answer any further questions in this section, and proceed to the next section concerning negligence.

Question 3: What is the amount you believe will fairly compensate the plaintiff for injuries he sustained because of the defect in the product? (This question should only be answered if you answered “yes” to questions 1 and 2 above).

II. NEGLIGENCE

Question 1: Do you find that either Defendant was negligent?

Yes _____ No _____

If your answer to this question is yes, proceed to question number 2. If your answer to this question is no, you must find for the Defendant. You should not answer any further questions in this section, and proceed to the next section concerning breach of warranty.

Question 2: Was that Defendant’s negligence a substantial factor in bringing about the Plaintiff’s harm?

Yes _____ No _____

If your answer to this question is yes, proceed to question number 3. If your answer to this question is no, you must find for the Defendant. You should

not answer any further questions in this section, and should proceed to the next section concerning breach of warranty.

Question 3: Was the Plaintiff contributorily negligent?

Yes _____ No _____

If you answer Question 3 "Yes," proceed to Question 4. If you answer Question 3 "No," proceed to Question 6.

Question 4: If you answered Question 3 "Yes," was his contributory negligence a substantial factor in bringing about his harm?

Yes _____ No _____

Question 5: Taking the combined negligence that was a substantial factor in bringing about the Plaintiff's harm as 100 percent, what percentage of that causal negligence was attributable to the Defendants and what percentage was attributable to the Plaintiff?

Percentage of causal negligence attributable to both Defendants _____%

Percentage of causal negligence attributable to Plaintiff _____%

Total 100%

If you have found Plaintiff's causal negligence to be greater than 50%, then the plaintiff cannot recover and you should not answer any more questions and should proceed to the next section concerning warranty.

Question 6: State the amount of damages, if any, sustained by the Plaintiff as a result of the occurrence, without regard to and without reduction by the percentage of causal negligence, if any, that you have attributed to the Plaintiff. If you have found that the Defendants are strictly liable in the first section above, your number here should be the same as your answer to Question 3 in the first section.

Question 7: If you found both Defendant Vaughan & Bushnell and Defendant Sears to be liable, state the percentage of liability attributable to each Defendant. This total must equal 100%.

Vaughan & Bushnell _____%

Sears _____%

Total 100%

Respectfully submitted,

CIPRIANI & WERNER, P.C.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the within DEFENDANTS' PROPOSED VERDICT SLIP was served upon plaintiff's counsel via first class mail, postage prepaid, on July 9, 2004, as follows:

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